

TITLE IV -- CENTRAL INTELLIGENCE AGENCY

PART A

PURPOSES

STATEMENT OF PURPOSES

Sec. 401. It is the purpose of this title --

- (1) to clarify the statutory authorities, functions, and responsibilities of the Central Intelligence Agency;
- (2) to authorize the Central Intelligence Agency to perform intelligence activities that are important for the conduct of the foreign relations and the protection of the national security of the United States;
- (3) to ensure that the intelligence activities of the Central Intelligence Agency are properly and effectively directed, regulated, coordinated, and administered; and
- (4) to ensure that the activities of the Central Intelligence Agency are conducted in a manner consistent with the Constitution and laws of the United States.

PART B

ESTABLISHMENT OF AGENCY; DIRECTOR; DEPUTY DIRECTOR;  
GENERAL COUNSEL; INSPECTOR GENERAL; FUNCTIONS

ESTABLISHMENT OF CENTRAL INTELLIGENCE AGENCY

Sec. 402. There is established as an independent agency in the Executive branch of the Government an agency to be known as the Central Intelligence Agency (hereinafter in this title referred to as "the Agency"), which shall perform its functions under the direction of the National Security Council and subject to intelligence plans, objectives, and requirements established by the Director of National Intelligence.

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DIRECTOR; DEPUTY DIRECTOR; DUTIES OF DIRECTOR

Sec 403. (a) There shall be at the head of the Agency a Director of the Central Intelligence Agency (hereinafter in this title referred to as the "Director of the Agency"). The Director of National Intelligence, or, if authorized by the President in accordance with section 117 of this Act, the Deputy Director of National Intelligence or an Assistant Director of National Intelligence, shall serve as the Director of the Agency.

(b) There shall be a Deputy Director of the Central Intelligence Agency (hereinafter in this title referred to as the "Deputy Director") who shall be appointed by the President, with the advice and consent of the Senate, and who shall assist in carrying out the functions of the Director of the Agency and who shall exercise all the duties of the Director of the Agency in the absence of the Director of the Agency. [There should be an addition to section 702(c) of the Act, amending 5 U.S.C. 5314 to include the DD/CIA at Level III of the Executive Pay Schedule]

(c) At no time shall the offices of Director of the Agency and Deputy Director be occupied simultaneously by commissioned officers of the Armed Forces, whether in an active or retired status.

(d)(1) If a commissioned officer of the Armed Forces is appointed as Director of the Agency or Deputy Director, then--

(A) in the performance of the duties of Director of the Agency or Deputy Director, as the case may be, the officer shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be applicable if that officer were a civilian in no way connected with the Department of Defense, the military departments, or the Armed Forces of the United States or any component thereof; and

(B) that officer shall not possess or exercise any supervision, control, powers, or functions (other than those authorized to that officer as Director of the Agency or Deputy Director) with respect to the Department of Defense, the military departments, or the Armed Forces of the United States or any component thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in this section, the appointment to the office of Director of the Agency or Deputy Director of a commissioned officer of the Armed Forces, and acceptance of and service in such an office by that officer, shall in no way affect any status, office, rank, or grade that officer may occupy or hold in the armed forces, or any emolument, perquisite,

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right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. A commissioned officer shall, while serving in the office of Director of the Agency or Deputy Director, continue to hold rank and grade not lower than that in which that officer was serving at the time of that officer's appointment as Director of the Agency or Deputy Director.

(e) It shall be the duty of the Director of the Agency to--

(1) ensure that the activities of the Agency are conducted in accordance with the provisions of this Act and with the Constitution and laws of the United States;

(2) ensure that the activities of the Agency are properly and efficiently directed, regulated, coordinated, and administered;

(3) perform as Director of the Agency the duties assigned elsewhere in this Act to the head of each entity of the intelligence community;

(4) protect intelligence sources and methods from unauthorized disclosure, notwithstanding the provisions of any other law; and

(5) specify by regulation the order in which senior officials of the Agency may exercise all the duties of the Deputy Director during any temporary absence, disability, or vacancy in that office, and such officials are hereby authorized to exercise such duties for a period not to exceed 180 days.

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GENERAL COUNSEL AND INSPECTOR GENERAL

Sec. 404. (a) There shall be a General Counsel of the Agency appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall serve as the principal legal advisor to the Director of National Intelligence and the Director of the Agency and shall have the responsibility and authority to--

(1) review Agency activities and activities of the Office of the Director of National Intelligence to determine whether such activities are in conformity with the Constitution and laws of the United States, Executive orders, Presidential directives and memoranda, and the rules, regulations, and policies of the Agency;

(2) review all rules and regulations of the Agency and of the Office of the Director of National Intelligence, including but not limited to any rule or regulation proposed to implement the provisions of this Act, to ensure that such rules and regulations are in conformity with the Constitution and laws of the United States, Executive orders, and Presidential directives and memoranda;

(3) perform the same duties with respect to the Agency and the Office of the Director of National Intelligence as the general counsels of all entities of the Intelligence Community are required to perform by other provisions of this Act; and

(4) perform such additional duties as the Director of National Intelligence or the Director of the Agency may prescribe.

(b) There shall be an Inspector General of the Agency appointed by the Director of the Agency. The Inspector General shall have the responsibility and authority to--

(1) investigate all activities of the Agency and of the Office of the Director of National Intelligence to determine in what respects authorized functions may more effectively be performed and to determine the facts and circumstances of any alleged wrongdoing;

(2) advise the Director of National Intelligence, and the Director of the Agency, of findings regarding activities of the Office of the Director of National Intelligence or of the Agency, respectively.

(3) report any indications of possible violations of federal law to the General Counsel of the Agency;

(4) perform such other investigations as the Director of National Intelligence or the Director of the Agency deem necessary and appropriate, consistent with the provisions of this Act;

(5) perform the same duties with respect to the Agency and the Office of the Director of National Intelligence as the inspectors general of all entities of the Intelligence Community are required to perform by other provisions of this Act; and

(6) perform such other duties as the Director of National Intelligence and the Director of the Agency may prescribe.

Sec. 405. (a) All activities, duties, and responsibilities of the Agency shall be performed in accordance with this Act.

(b) The Agency shall--

(1) collect foreign intelligence including collection by clandestine means;

(2) conduct special activities;

(3) conduct counterintelligence and counterterrorism activities in the United States in coordination with the Federal Bureau of Investigation;

(4) produce, analyze, publish, and disseminate counterintelligence and counterterrorism intelligence;

(5) produce, analyze, publish, and disseminate intelligence to meet the needs of the President the National Security Council, the Director of National Intelligence, and other officials and departments and agencies, including national intelligence estimates and similar analyses coordinate with other entities of the Intelligence Community;

(6) collect information, by other than clandestine means, when it is relevant to any authorized Agency function;

(7) develop, conduct, and provide support for technical and other programs, including signals intelligence activities, to collect national intelligence from sources outside the United States;



(8) act as the agent of the Director of National Intelligence in the coordination of counterintelligence activities, counterterrorism intelligence activities, and clandestine collection of foreign intelligence, conducted outside the United States by any other entity of the Intelligence Community;

(9) conduct liaison with and provide assistance to foreign governmental agencies under the direction of the Director of National Intelligence and act as the agent of the Director of National Intelligence in the coordination of such liaison by any other entity of the Intelligence Community;

(10) conduct services of common concern for the Intelligence Community as directed by the Director of National Intelligence;

(11) conduct or contract for research, development, and procurement of systems and devices relating to the Agency's authorized functions;

(12) provide legal, legislative, security, inspection, communications, and audit services and other support to the Office of the Director of National Intelligence.

PART C

AUTHORITIES OF THE AGENCY; AUTHORIZATION FOR APPROPRIATIONS

GENERAL AUTHORITIES OF THE AGENCY

Sec. 406. (a) In carrying out its functions under this Act, the Agency is authorized to--

(1) transfer to and receive from other departments and agencies such sums of money as may be approved by the Director of the Agency for the purpose of carrying out authorized functions, and sums so transferred to or from the Agency may be expended without regard to any limitation on appropriations from which transferred;

(2) exchange funds without regard to the provisions of any law, including section 3651 of the Revised Statutes (31 U.S.C. 543);

(3) reimburse other departments and agencies for the services of personnel assigned or detailed to the Agency;

(4) furnish to, or receive from, other departments and agencies reimbursement for services of Agency personnel assigned or detailed to such departments and agencies;

(5) rent any premises within or outside the United States as appropriate to carry out any authorized function of the Agency ; lease property, supplies, services, equipment, buildings or facilities without regard to the limitations of any law including those prescribed in section 322 of the

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Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending 30 June 1933, and for other purposes," approved 30 June 1932 (40 U.S.C. 278a); acquire, construct, or alter buildings and facilities, or contract for such purposes, without regard to the Public Buildings Act of 1959 (40 U.S.C. 601-615) or any other law relating to contract clauses or procedures or other procurement matters; repair, operate, and maintain buildings, utilities, facilities, and appurtenances;

(6) maintain and operate, without regard to any other provision of law, a full-scale printing plant for the production of intelligence and intelligence-related materials; and lease or purchase and operate computer and communications equipment as appropriate to carry functions authorized under this Act;

(7) conduct background investigations in accordance with Title II, and, with appropriate consent, as necessary, to determine the suitability and trustworthiness of applicants for employment or contractor status or access to Agency information or facilities, employees, contractors and their employees, cooperating sources of information or assistance, consultants, applicants for employment with and employees of proprietaries, and persons similarly associated with the Agency or the Office of the Director of National Intelligence;

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(8) acquire, establish, maintain, and operate secure communications systems in support of Agency operations and in support of the Office of the Director of National Intelligence, and, when authorized by the Director of the Agency, in support of any other department or agency;

(9) in addition to the authority provided under 31 U.S.C. 686, provide to any department or agency such services, supplies, or equipment as the Agency may be in a position to render, supply or obtain by contract, and place orders with departments or agencies that may be in a position to render, supply, or obtain services, supplies, or equipment by contract or otherwise;

(10) protect Agency personnel, installations, equipment and information by lawful security procedures such as inspections of persons and items entering or leaving facilities and grounds owned or utilized by the Agency;

(11) conduct health-service programs as authorized by sections 7901 of title 5, and 1156 through 1159 of title 22, United States Code;

(12) notwithstanding the provisions of sections 638 (a)-(c) of title 31, United States Code, transport, in accordance with regulations approved by the Director of the Agency, officers, employees and contractors of the Agency and the Office of the Director of National Intelligence, or their dependents, in Government-owned or leased vehicles when other transportation is unsafe or inadequate;

(13) settle and pay claims of civilian and military personnel, as prescribed in Agency regulations consistent with the terms and conditions by which claims are settled and paid under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240-243);

(14) pay, in accordance with regulations approved by the Director, expenses of travel in connection with, and expenses incident to membership in, or attendance at meetings of professional, technical, scientific, and other similar organizations and professional associations when such attendance or membership would be of benefit in the conduct of the work of the Agency; and

(15) provide or pay expenses of training to support authorized Agency functions, and, as appropriate, provide training for personnel of other departments and agencies.

(16) perform inspection, audit, public affairs, legal, legislative, and other administrative functions; and

(17) perform such additional functions as are otherwise authorized by this Act to be performed by each entity of the Intelligence Community.

(b) Any department or agency may transfer to or receive from the Agency any sum of money in accordance with subsection (a)(1) of this section.

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(c) Any department or agency is authorized to assign or detail to the Agency any officer or employee of such department or agency to assist the Agency in carrying out any authorized function and the Agency may similarly assign or detail personnel to any other department or agency.

(d) No provision of law shall be construed to require the Director of the Agency or any other officer or employee of the United States to disclose information concerning the organization, functions, or activities of the Agency, including the name, official title, salary, or affiliation with the Agency of any person employed by, or otherwise associated with the Agency, the number of persons employed by the Agency, or any aspect of the Agency budget. In addition the Agency shall also be exempted from the provisions of any law which require the publication or disclosure, or the search or review in connection therewith, of information in files specifically designated to be concerned with: The design, function, deployment, exploitation or utilization of scientific or technical systems for the collection of intelligence; Special activities and intelligence operations; investigations conducted to determine the suitability of potential intelligence sources; intelligence and security liaison arrangements or information exchanges with foreign governments or their intelligence or security services; except to the extent that such files may contain information concerning American citizens and permanent resident aliens requested by such persons or themselves under Sections 552 and 552a of Title 5.

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(e) ~~Approved For Release 2004/03/11 : CIA-RDP85-00988R000300010001-8~~ The Agency is authorized to establish, administer,

and maintain methods to conceal and protect the relationship between the Agency and any of its officers, employees, sources, and activities, and for personnel and activities of the Office of the Director of National Intelligence, and for defectors from foreign countries.

(f) The Agency may continue to use and may modify with the approval of the President the seal of office used by the Central Intelligence Agency prior to the effective date of this title and judicial notice shall be taken of such seal.

(g) The Director of the Agency may appoint, assign, or contract for security officers to police and protect the security of Agency personnel, installations and grounds owned or utilized by the Agency or the Office of the Director of National Intelligence, and such security officers shall have the same powers as sheriffs and constables for the protection of persons and property, to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rule or regulation the Director of the Agency may promulgate for the protection of such installations and grounds. The jurisdiction and police powers of such security officers shall not, however, extend to the service of civil process.

(h) Under such regulations as the Director of the Agency shall prescribe, Agency personnel may carry and use firearms while in the discharge of their official duties: Provided, that within the United States, such official duties shall include

only the protection of (1) information concerning intelligence sources and methods and classified documents and material; (2) facilities, properties, monies and other valuable assets owned or utilized by the Agency or the Office of the Director of National Intelligence; (3) personnel of the Agency or the Office of the Director of National Intelligence as may be designated by the Director of the Agency; and (4) defectors and foreign persons visiting the United States under Agency auspices; and Provided further, That such duties shall include the transportation and utilization of firearms for authorized training.

(i) (1) The Agency may employ, promote, assign, suspend and separate personnel or contract for personal services as it deems advisable, without regard to the provisions of any other law, including provisions of law that establish limitations on types of persons to be employed, and may fix the compensation of such personnel without regard to the provisions of any other law;

(2) Notwithstanding any other provision of law, the Director of the Agency may terminate the employment of any officer or employee of the Central Intelligence Agency, of the access of any individual, including contractors of the Agency or any employee of any such contractor, to information relating to intelligence activities whenever the Director of the Agency considers such termination necessary or advisable in the interests of the national security of the United States.



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(3) Any Agency officer or employee, including any officer or employee who has been separated under paragraph (1), or whose employment has been terminated under paragraph (2), may seek or accept employment in the competitive service of the Government if declared eligible for such employment by the Office of Personnel Management; and that Office shall consider such officer or employee for position in the competitive civil service in the same manner as if transferring between two positions in the competitive service, but only if such Agency officer or employee has served with the Agency or the Office of the Director of National Intelligence for a total of at least one year continuously immediately preceding separation or termination.

(j) The Agency shall have no police, subpoena, or law enforcement powers, nor perform any internal security or criminal investigation functions, except to the extent expressly authorized by this Act.

(k) Except as otherwise provided in this Act, the provisions of subsections (a)-(e) and (i) of this section shall be available notwithstanding any other provisions of law.

PROCUREMENT

Sec 407. (a) The Agency is authorized to procure, use, and dispose of such real and personal property, supplies, services, equipment and facilities as may be necessary to carry out functions authorized under this Act.

(b) The provisions of chapter 137, relating to the procurement of property and services, and chapter 139, relating to the procurement of research and development services, of title 10, United States Code, as amended, shall apply to the procurement of property and research and development services by the Agency under this title in the same manner and to the same extent such chapters apply to the procurement of property, services, and research and development services by the agencies named in section 2303(a) of chapter 137 of title 10, except that the Director of the Agency may (specify by regulation) when any or all of the provisions of chapters 137 and 139 of title 10 ~~or regulations issued thereunder~~ may be waived for the effective

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(c) The Agency is further authorized, without regard to any other provision of law, to procure, use, and dispose of property, goods, or services, in such a manner that the role of the Agency is not apparent or acknowledged, if concealment of Agency involvement is appropriate for the effective performance of functions authorized under this Act.

PROCUREMENT

Sec 407. (a) The Agency is authorized to procure, use, and dispose of such real and personal property, supplies, services, equipment and facilities as may be necessary to carry out functions authorized under this Act.

(b) The provisions of chapter 137, relating to the procurement of property and services, and chapter 139, relating to the procurement of research and development services, of title 10, United States Code, as amended, shall apply to the procurement of property and research and development services by the Agency under this title in the same manner and to the same extent such chapters apply to the procurement of property, services, and research and development services by the agencies named in section 2303(a) of chapter 137 of title 10, except that the Director of the Agency may specify by regulation when any or all of the provisions of chapters 137 and 139 of title 10 or regulations issued thereunder may be waived for the effective performance of functions authorized under this Act.

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(c) The Agency is further authorized, without regard to any other provision of law, to procure, use, and dispose of property, goods, or services, in such a manner that the role of the Agency is not apparent or acknowledged, if concealment of Agency involvement is appropriate for the effective performance of functions authorized under this Act.

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(d) In accordance with regulations promulgated by the Director of the Agency, the Agency is authorized to enter contracts and amendments of contracts, and to make advance payments on contracts, without regard to any other provision of law, whenever deemed necessary for the effective performance of functions authorized under this Act.

(e) The Agency is authorized to dispose of property and use the proceeds therefrom to purchase new property without regard to any other provision of law whenever the Director of the Agency deems such action necessary for the effective performance of functions authorized under this Act.

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PROPRIETARIES

Sec. 408. (a) The Agency is authorized to establish and operate proprietaries in support of Agency operations and, with the approval of the Director of National Intelligence, in support of other entities of the Intelligence Community. In addition, any such proprietaries may be operated on a commercial basis to the extent necessary to provide effective cover.

(b) Appropriated funds and funds generated by an Agency proprietary or otherwise received may be deposited in banks or other financial institutions and expended as necessary to accomplish operational purposes except that funds in excess of amount necessary for such purposes shall be deposited into miscellaneous receipts of the Treasury.

(c) Proceeds from the liquidation, sale, or other disposition of any Agency proprietary may be expended to establish and operate other proprietaries in furtherance of the same or closely related operational purposes. Any such proceeds not so expended shall be deposited into miscellaneous receipts of the Treasury, except for amounts deemed necessary or required by law to be retained for the purpose of satisfying claims or obligations.

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(d) Whenever any Agency proprietary, or operationally related group of proprietaries, whose net value exceeds \$150,000 is to be liquidated, sold, or otherwise disposed of, the Agency shall, as much in advance of the liquidation, sale, or other disposition as practicable, report the circumstances of the intended liquidation, sale, or other disposition to the Intelligence Committees of the Congress.

(e) Employees of such proprietaries shall not be considered to be employees of the United States or entitled to benefits of any kind accruing to or vesting in employees of the United States unless specifically designated to be so considered in accordance with regulations promulgated by the Director of the Agency.

(f) As used in this section, the term "proprietary" means a sole proprietorship, partnership, corporation, or other business entity owned or controlled by the Agency but whose relationship with the Agency is not generally acknowledged.

(g) The authority contained in this section shall, except as otherwise provided in this Act, be available to the Agency notwithstanding any other provision of law.

RELATIONSHIPS WITH OTHER ENTITIES

Sec. 409. In addition to those activities of the Agency that relate to other departments and agencies and that are authorized in other provisions of this Act, the Agency is further authorized--

(1) to request other entities of the intelligence community to undertake authorized intelligence activities.

(2) to receive assistance from federal, state and local law enforcement agencies in the conduct of authorized functions.

(3) to provide and receive technical guidance, training, and equipment, and, under regulations established by the Director of the Agency, the services of expert personnel to or from any other federal agency or foreign government, and, when not readily available from another federal agency, to or from state or local governments;

(4) to provide and receive technical information or assistance to or from the Passport Office of the Department of State and the Immigration and Naturalization Service of the Department of Justice to assist in carrying out authorized functions;

(5) when the Internal Revenue Service is performing an audit of an Agency proprietary or any other organization or individual whose relationship with the Agency is concealed or protected, to notify the Internal Revenue Service of such relationship in order that it not be disclosed publicly in connection with the audit.



ADMISSION OF ESSENTIAL ALIENS

Sec. 410(a). Whenever the Director of the Agency, the Attorney General, and the Commissioner of Immigration and Naturalization determine that the entry of particular aliens into the United States for permanent residence is in the interest of national security or essential to intelligence activities, such aliens and their immediate families shall be given entry into the United States for permanent residence without regard to their inadmissibility under, or their failure to comply with, any immigration law of the United States or any other law or regulation, but in no case may the number of aliens and members of their immediate families who enter the United States under the authority of this section exceed one hundred in any one fiscal year. The Agency is authorized to process, debrief, and provide relocation assistance to such individuals, as necessary and appropriate under regulations established by the Director of the Agency.

(b) When extraordinary circumstances indicate that a foreign person associated with the Agency should enter or leave the United States under other than that person's true identity, the Agency is authorized to notify the Immigration and Naturalization Service of these circumstances and request a waiver of otherwise applicable rules and procedures.

Sec. 411. (a) Notwithstanding any other provision of law, sums available to the Agency by appropriation or otherwise received may be expended to carry out the authorized functions of the Agency. Funds appropriated to the Agency may not be expended unless authorized by legislation enacted during the same or one of the two immediately preceding fiscal years, except that this limitation shall not apply to funds appropriated by any continuing resolution.

(b) Whenever the Director of the Agency determines such action to be necessary in the interest of the national security, the expenditure of funds appropriated to or otherwise received by the Agency shall be accounted for solely on the certificate of the Director of the Agency and every such certificate shall be deemed a sufficient voucher for the amount certified therein.

(c) There is established and the Director of the Agency is authorized to establish and maintain a fund to be known as the Contingency Reserve Fund (hereinafter in this section referred to as the "Reserve Fund") and to credit to the Reserve Fund monies specifically appropriated to the Central Intelligence Agency for such fund and unused balances of funds previously withdrawn from the Reserve Fund. Periodic authorization and appropriations for the Reserve Fund shall be deemed sufficient to maintain the Reserve Fund at the level authorized and appropriated.

(d) The Director of the Agency is authorized to

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expend monies from the Reserve Fund for the payment of expenses incurred in connection with any authorized intelligence activity if--

(1) the withdrawal of funds from the Reserve Fund has been approved by the Office of Management and Budget;

(2) the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate have been notified of the purpose of such withdrawal at least 72 hours in advance of the withdrawal; except that in extraordinary circumstances the Director of the Agency may authorize the withdrawal of funds from the reserve Fund without prior notification to the appropriate committees of the Congress if the Director of the Agency notifies such committees of the Congress within 48 hours after initiation of the withdrawal, describes the activity for which such funds have been or are to be expended, certifies to such committees that prior notification would have resulted in a delay which would have been harmful to the United States, and discloses to such committees the reasons why the delay would have been harmful. The foregoing shall not be construed as requiring the approval of any committee of the Congress prior to the initiation of any such activity; and

(3) monies from the Reserve Fund are used solely for the purpose of meeting requirements that were not anticipated at the time the President's budget was submitted to the Congress for the fiscal year in which the withdrawal is authorized, and the activities to be funded require protection from unauthorized disclosure.

(e) Monies from the Reserve Fund may be expended only for the purpose for which the withdrawal was approved under this subsection and any amount approved for expenditure but not actually expended or to be expended for the purpose for which approved shall be returned to the Reserve Fund.

(f) Any activity funded from the Reserve Fund that continues after the end of the fiscal year in which it was funded by monies from the Reserve Fund, except to the extent previously withdrawn funds remain available, shall be funded thereafter through the regular budgetary process.

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PART D

TRAVEL AND OTHER ALLOWANCES; RETIREMENT SYSTEM

TRAVEL, RELATED EXPENSES, AND DEATH GRATUITIES

Sec. 412. (a) As used in this section "employee" does not include, unless otherwise specifically provided in accordance with regulations issued by the Director of the Agency, any person working for the Agency under a contract or any person who when initially employed is a resident in or a citizen of a foreign country in which the station at which such person is to be assigned to duty is located.

(b) Under regulations issued by the Director of the Agency the Agency may pay--

(1) travel, transportation, and subsistence expenses comparable to those provided for in chapters 57 and 59 of title 5, United States Code;

(2) travel, transportation, subsistence, and other allowances and benefits in a manner and under circumstances comparable to those provided under title IX of the Foreign Service Act of 1946 (22 U.S.C. 1131-1159);

(3) educational travel benefits for dependents in the same manner and under the same circumstances as such benefits are provided under 5 U.S.C. 5924 (4)(B);

(4) death gratuities in the same manner as such gratuities are provided under section 14 of the Act entitled "An Act to provide certain basic authority

for the Department of State", approved 1 August 1956

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to the extent that the Director of the Agency determines that death occurred in the course of operational activity or resulted from hostile or terrorist action; and

(5) travel and necessary subsistence allowances for employees and dependents to obtain suitable medical care where adequate care is not available locally.

(c) Whenever any provision of law relating to travel and related expenses or death gratuities of Foreign Service employees is enacted after the date of enactment of this Act in a form other than as an amendment to one of the provisions referred to in subsection (b) of this section, and the Director of the Agency determines that it would be appropriate for the purpose of promoting the effective performance of authorized functions and maintaining conformity between travel and related expenses and death gratuities of the Foreign Service and travel and related expenses and death gratuities of the Agency, the Director of the Agency may, by regulation, extend in whole or in part to Agency employees the allowances and benefits provided to Foreign Service employees by such provision of law.

(d) Notwithstanding the provisions of subsections (b) and (c), and under regulations issued by the Director of the Agency, the Agency may pay expenses, benefits, and allowances similar to those specifically authorized in those subsections in any case in which the Director of the Agency determines that such

expenses, benefits or allowances are necessary for the  
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effective performance of authorized functions or that, for  
reasons of operational necessity or security, the means of  
paying expenses, benefits, and allowances authorized in  
subsections (b) and (c), should not be utilized, and may pay  
special allowances and travel expenses when necessary to sustain  
particular Agency activities.

Sec. 413. The "Central Intelligence Agency" in Section 111(1) of the Central Intelligence Agency Retirement Act, and the "Director of Central Intelligence" in Section 112 of that Act, shall be deemed to refer to the "Central Intelligence Agency" and the "Director of the Agency" as established under this title. With the exception of the foregoing sentence, nothing in this Act shall effect the entitlement of Agency employees and former Agency employees to participate in the retirement system established by the Central Intelligence Agency Retirement Act or the retirement system established by chapter 83 of title 5, United States Code.



TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS;  
STATUTES REPEALED; EFFECT OF SUBSEQUENT LAW

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS

Sec. 414. (a) All positions, except those of the Director of Central Intelligence and the Deputy Director of Central Intelligence, established in and personnel employed by the Central Intelligence Agency on the day before the effective date of this title, and all obligations, contracts, properties, and records employed, held, or used by the Agency are transferred to the Agency.

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges which have become effective in the exercise of functions transferred under this title and which are in effect on the effective date of this title, shall continue in effect until modified, terminated, superseded, set aside, or repealed by the Director of the Agency or other properly designated Agency official, by any court of competent jurisdiction, or by operation of law.

(c) The provisions of this title shall not affect any proceedings pending before the Central Intelligence Agency as in effect prior to the effective date of this title.

(d) No suit, action, or other proceeding begun prior to the effective date of this title, shall abate by reason of enactment of this title.

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(e) With respect to any function transferred by this title and exercised after the effective date of this title, reference in any other Federal law to any department, agency, office, or part thereof shall be deemed to refer to the department, agency, or office in which such function is vested pursuant to this title, and reference in any other Federal law to a provision of law replaced by similar provisions in this title shall be deemed to refer to the provisions in this title.

Sec. 415. (a) No law enacted after the date of the enactment of this Act shall be held, considered or construed as amending, limiting, superseding or otherwise modifying any provision of this title unless such law does so by specifically and explicitly amending, limiting, or superseding such provision.

(b) Section 102 of the National Security Act of 1947 (50 U.S.C. 403) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403j) are repealed.

CRIMINAL PENALTIES

Sec. 416. (a) (1) Chapter 33 of Title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"S. 716. Misuse of the name, initials, or seal of the  
Central Intelligence Agency

"Any person who knowingly and without the express written permission of the Director of the Central Intelligence Agency uses the name 'Central Intelligence Agency', the initials 'CIA', the seal of the Central Intelligence Agency, or any colorable imitation of such name, initials, or seal in connection with any impersonation for other than authorized purposes or in connection with any commercial enterprise, including any merchandise, advertisement, book, circular, pamphlet, play, motion picture, broadcast, telecast, or other publication or production in a manner intended to convey the impression that such use is approved, endorse or authorized by the Central Intelligence Agency shall be fined not more than \$20,000 or imprisoned not more than one year, or both."

(2) The table of sections at the beginning of chapter 33 of such title is amended by adding at the end thereof a new item as follows:

"716. Misuse of the name, initials, or seal of the Central  
Intelligence Agency."

(b)(1) Chapter 37 of title 18, United States Code, is amended by adding at the end thereof the following new 7 sections:

"S.800. Unauthorized disclosure of information concerning individuals engaged or assisting in foreign intelligence or counterintelligence activities.

TITLE I -- NATIONAL INTELLIGENCE

PART A -- SHORT TITLE; FINDINGS; PURPOSES:

DEFINITIONS

SHORT TITLE

Sec. 101. This title may be cited as the "National Intelligence Act of \_\_\_\_."

STATEMENT OF FINDINGS

SEC. 102. The Congress hereby makes the following findings:

(1) Intelligence activities provide timely, accurate, and relevant information and analysis necessary for the conduct of the foreign relations and the protection of the national security of the United States.

(2) The collection and production of intelligence should be conducted in a manner that avoids waste and unnecessary duplication of effort within the intelligence community.

(3) Proper supervision and control are necessary to ensure that intelligence activities do not disrupt the foreign relations of the United States or abridge the constitutional rights of United States citizens.

(4) Existing law inadequately defines the authorities of the intelligence agencies of the United States, provides little guidance to the officers and employees of those agencies, and leaves unclear the roles of the various branches of Government with respect to intelligence activities.

STATEMENT OF PURPOSES

SEC. 103. It is the purpose of this Act --

(1) to authorize the intelligence activities necessary for the conduct of the foreign relations and the protection of the national security of the United States;

(2) to replace the provisions of the National Security Act of 1947 governing intelligence activities;

(3) to insure that the national intelligence activities of the United States are conducted in a manner consistent with the defense and foreign policy interests of the United States and are properly and effectively directed, regulated, coordinated, and administered;

(4) to insure accurate, relevant, and timely information and analysis are provided in the most efficient manner so that sound and informed decisions may be made regarding the security and vital interests of the United and so that the United States may be protected against foreign intelligence activities, international terrorist activities, and other forms of hostile action directed against the United States;

(5) to provide for the appointment of a Director of National Intelligence, to delineate the responsibilities of such Director, and to confer on such Director the authority necessary to fulfill those responsibilities; and

(6) to insure that the Director of National Intelligence and the entities of the intelligence community are

accountable to the President, the Congress, and the people of the United States and that the intelligence activities of the United States are consistent with the Constitution and laws of the United States.

#### DEFINITIONS

SEC. 104. As used in this title:

(1) The term "Attorney General" means the Attorney General of the United States or an official designated by the Attorney General to perform functions assigned by this Act.

(2) The term "communications security" means the protection resulting from any measure taken to deny unauthorized persons information derived from the telecommunications of the United States related to the national security, or from any measure taken to insure the authenticity of such telecommunications.

(3) The term "counterintelligence" means information pertaining to the capabilities, intentions, or activities of any foreign power, organization, or person in the fields of espionage, other clandestine intelligence activity, covert action, assassination, or sabotage.

(4) The term "counterintelligence activity" means --

(A) the collection, retention, processing, analysis and dissemination of counterintelligence; and

(B) any activity, except for personnel, document, physical and communications security programs, under-



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 taken to counter the espionage, other clandestine intelligence activity, covert action, assassination, or sabotage, or similar activities of a foreign government.

(5) The term "counterterrorism activity" means --

(A) the collection, retention, processing analysis or dissemination of counterterrorism intelligence; and

(B) any activity undertaken by an entity of the intelligence community intended to protect against an international terrorist activity.

(6) The term "counterterrorism intelligence" means information pertaining to the capabilities, intentions, or activities of any foreign power, organization or person related to international terrorist activity.

(7) The terms "departments and agencies" and "department or agency" mean any department, agency, bureau, independent establishment, or wholly owned corporation of the Government of the United States.

(8) The term "foreign intelligence" means information pertaining to the capabilities, intentions or activities of any foreign state, government, organization, association or individual, and information on the foreign aspects of narcotics production and trafficking, but does not include counterintelligence, counterterrorism intelligence, or tactical intelligence.

(9) The term "foreign intelligence activity" means the collection, retention, processing, analysis, or dissemination of foreign intelligence.

(10) The term "intelligence" means foreign intelligence, counterintelligence, counterterrorism intelligence, and information relating to or resulting from any special activity.

(11) The term "intelligence activity" means --

- (A) any foreign intelligence activity;
- (B) any counterintelligence activity;
- (C) any counterterrorism activity; or
- (D) any special activity.

(12) The terms "intelligence community" and "entity of the intelligence community" mean --

(A) the Office of the Director of National Intelligence;

(B) the Central Intelligence Agency;

(C) the Defense Intelligence Agency;

(D) the National Security Agency;

(E) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(F) the intelligence components of the military services;

(G) the intelligence components of the Federal Bureau of Investigation;

(H) the Bureau of Intelligence and Research of the Department of State;

(I) the intelligence components of the Department of the Treasury;

(J) the intelligence components of the Drug Enforcement Administration;

(K) the intelligence components of the Department of Energy;

(L) the successor to any of the agencies, offices, components, or bureaus named in clauses (A) through (K); and

(M) such other components of the departments and agencies, to the extent determined by the President, as may be engaged in intelligence activities.

(13) The term "intelligence method" means any means, human or technical, which is, has been, or may be used for the collection, retention, processing, analysis, or dissemination of foreign intelligence, counterintelligence, or counterterrorism intelligence, and any information relating to such means, or to any special activity, or to any activity in support of any intelligence activity.

(14) The term "intelligence source" means a person, organization, foreign government, material, or technical or

other means from which foreign intelligence, counterintelligence, or counterterrorism intelligence, is being, has been, or may be, derived.

(15) The term "international terrorist activity" means any activity which --

(A) involves --

(i) killing, causing serious bodily harm to, or kidnapping one or more individuals, or

(ii) violent destruction of property, or

(iii) an attempt to credible threat to commit any act described in subclause (i) or (ii); and

(B) appears intended to endanger a protectee of the Secret Service or the Department of State, or further political, social, or economic goals by --

(i) intimidating or coercing a civilian population or any segment thereof; or

(ii) influencing the policy of a government or international organization by intimidation or coercion; or

(iii) obtaining widespread publicity for a group or its cause; and

(C) transcends national boundaries in terms of --

(i) the means by which its objective is accomplished;

(ii) the civilian population, government, or international organization it appears intended to coerce or intimidate, or

(iii) the locale in which its perpetrators operate or seek asylum.

(16) The term "national intelligence" means foreign intelligence which is collected, retained, processed or disseminated by the entities of the intelligence community for use in the formulation and direction of national policy.

(17) The term "national intelligence activity" means (A) any special activity, (B) any foreign intelligence activity the primary purpose of which is to collect or produce national intelligence, and (C) any foreign intelligence activity designated by the President as a national intelligence activity.

(18) The term "national intelligence budget" means the budget prepared by the Director of National Intelligence pursuant to section 121 of this Act and includes all funds for --

(A) the programs of the Central Intelligence Agency and of the Office of the Director of National Intelligence;

(B) the consolidated cryptologic program, the programs of the offices within the Department of Defense for the collection of specialized national foreign intellig-

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ence through reconnaissance programs, and the General Defense Intelligence Program, except such elements of these programs as the Director of National Intelligence and the Secretary of Defense agree should be excluded; and

(C) any other program or programs of any department or agency designated jointly by the Director of National Intelligence and the head of such department or agency.

(19) The term "sabotage" means any activity which would be prohibited under chapter 105 of title 18, United States Code, if committed against the United States.

(20) The term "special activity" means an activity conducted abroad which is (A) designed to further official United States programs and policies abroad, and (B) planned and executed so that the role of the United States Government is not apparent or acknowledged publicly. Such term does not include any counterintelligence or counterterrorism activity or the collection, retention, processing, dissemination and analysis of intelligence or related support functions, nor any diplomatic activity by the United States.

(21) The term "tactical intelligence" means foreign intelligence required by the armed forces of the United States to maintain their readiness for combat operations and to support the planning and conduct of combat operations by the United States.

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(22) The term "United States," when used in a geographical sense, means the several states, the Virgin Islands, the Commonwealth of Puerto Rico, and the possessions and territories of the United States.

(23) The term "United States person" means --

(A) any individual who is a citizen of the United States;

(B) any alien admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act), except that such alien may be presumed to have lost status as a United States person for purposes of this Act after one year of continuous residence outside the United States until information is obtained which indicates an intent on the part of such alien to return to the United States as a permanent resident alien;

(C) any unincorporated association organized in the United States or a substantial number of whose members are citizens of the United States or aliens lawfully admitted for permanent residence and which is not controlled or directed by a foreign power, except that an unincorporated association outside the United States may be presumed not to be a United States person until information is obtained which indicates the contrary; or

(D) any corporation which is incorporated in the United States and which is not controlled or directed by

a government of a foreign country, except that a corporation or corporate subsidiary incorporated abroad, even if wholly or partially owned by a U.S. corporation is not a U.S. person.

PART B -- AUTHORIZATION FOR INTELLIGENCE ACTIVITIES, DIRECTOR  
AND DEPUTY DIRECTOR: DUTIES AND AUTHORITIES

AUTHORIZATION FOR INTELLIGENCE ACTIVITIES

SEC. 111.(a) The entities of the intelligence community are authorized to conduct intelligence activities, under the direction and review of the National Security Council, but only in accordance with the provisions of this Act.

(b) Nothing in this title shall be construed to prohibit any department or agency from collecting, retaining, processing, analyzing, or disseminating information if such department or agency is otherwise authorized to do so.

(c) Nothing in this Act shall be construed to prohibit or affect any activities of any department or agency that are not intelligence activities.

(d) Except as expressly provided, nothing in this Act is intended to affect or alter existing responsibilities under law.

PRESIDENTIAL DESIGNATION OF NATIONAL INTELLIGENCE

ACTIVITIES

SEC. 112. The President shall determine from time to time which foreign intelligence activities, if any, in addition to those specifically defined as national intelligence



activities by this title, shall constitute national intelligence activities for the purpose of this Act.

DIRECTOR AND DEPUTY DIRECTOR

SEC. 113. (a) There is established in the executive branch of the Government an independent establishment to be known as the "Office of the Director of National Intelligence" (hereinafter in this title referred to as the "Office of the Director"). There shall be at the head of the Office of the Director a Director of National Intelligence (hereinafter in this title referred to as the "Director"). There shall be a Deputy Director of National Intelligence (hereinafter in this title referred to as the "Deputy Director") to assist the Director in carrying out the Director's functions under this Act.

(b) The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director and the Deputy Director shall each serve at the pleasure of the President. No person may serve as Director or Deputy Director for more than ten years.

(c) At no time shall the two offices of Director and Deputy Director be occupied simultaneously by commissioned officers of the Armed Forces whether in an active or retired status.

(d)(1) If a commissioned officer of the Armed Forces is appointed as Director or Deputy Director, then --

(A) in the performance of the duties of Director or Deputy Director, as the case may be, the officer shall be subject to no supervision, control, restriction, or prohibition of the Department of Defense, the military departments, or the Armed Forces of the United States or any component thereof; and

(B) that officer shall not possess or exercise any supervision, control, powers, or functions (other than those authorized to that officer as Director or Deputy Director) with respect to the Department of Defense, the military departments, or the Armed Forces of the United States or any component thereof, or with respect to any of the personnel (military or civilian) or any of the foregoing.

(2) Except as provided in this section, the appointment to the office of Director or Deputy Director of a commissioned officer of the Armed Forces, and acceptance of and service in such an office by that officer, shall in no way affect any status, office, rank, or grade that officer may occupy or hold in the Armed Forces, or any emolument, prerequisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. A commissioned officer shall, while serving in the office of Director or Deputy Director, continue to hold rank and grade not lower than that in which that officer was serving at the time of that officer's appointment as Director or Deputy Director.

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(3) The grade of any such commissioned officer shall, during any period such officer occupies the office of Director or Deputy Director, be in addition to the numbers and percentages authorized for the military department of which such officer is a member.

(e) The Director and Deputy Director whether civilian or military shall be compensated while serving as Director or Deputy Director only from funds appropriated to the Office of the Director.

(f) If a commissioned officer of the Armed Forces is serving as Director or Deputy Director that officer shall be entitled, while so serving, to the difference, if any, between the regular military compensation (as defined in section 101 (25) of title 37, United States Code) to which that officer is entitled and the compensation provided for that office under subchapter II of chapter 53 of title 5, United States Code.

(g) The Deputy Director shall act in the place of the Director during the absence or disability of the Director or during any temporary vacancy in the office of the Director. The Director shall provide by regulation which Assistant Director of National Intelligence shall, whenever there is no Deputy Director, act in the place of the Director during the absence or disability of the Director or during any temporary vacancy in the office of the Director and which Assist-

ant Director of National Intelligence shall act in the place of the Deputy Director during the absence or disability of the Deputy Director or during any temporary vacancy in the office of the Deputy Director, or while the Deputy Director is acting as Director.

#### DUTIES AND AUTHORITIES OF THE DIRECTOR

SEC. 114. (a) The Director shall serve, under the direction of the National Security Council, as the principal foreign intelligence officer of the United States.

(b) The Director shall be responsible for --

(1) the coordination of the national intelligence activities of the entities of the intelligence community;

(2) the coordination of counterintelligence activities of the entities of the intelligence community that are conducted abroad; and

(3) the coordination of counterterrorism activities conducted abroad by the entities of the intelligence community and the coordination of those activities with related counterterrorism activities abroad by other departments and agencies.

(c) The Director shall, on a continuing basis, review all current and proposed national intelligence activities of the entities of the intelligence community in order to insure that those activities are properly, efficiently, and effectively directed, regulated, coordinated and administered.

(d) Subject to the provisions of section 117, the Director shall be the Director of the Central Intelligence Agency.

(e) The Director shall coordinate and direct the collection of national intelligence by the entities of the intelligence community by --

(1) developing such specific collection objectives and targets for the entities of the intelligence community as are necessary to meet the intelligence requirements and priorities established by the National Security Council;

(2) establishing procedures, in coordination with the heads of departments and agencies not within the intelligence community, to increase, insofar as possible, the national intelligence contribution made by those departments and agencies without adversely affecting the performance of their other authorized duties;

(3) coordinating all clandestine collection of intelligence outside the United States including all clandestine collection of intelligence outside the United States utilizing human sources.

(f) The Director shall be responsible for the production of national intelligence, including national intelligence estimates and other intelligence community coordinated analyses, and shall --

(1) insure that in the production of national intelligence estimates or other intelligence community co-

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ordinated analysis any diverse points of view are presented fully and considered carefully, and that differences of judgment within the Intelligence Community are expressed clearly for policymakers; and

(2) have authority to levy analytic tasks on departmental intelligence production organizations in consultation with those organizations.

(g) The Director shall be responsible for the dissemination, under appropriate security procedures, of national intelligence, and shall --

(1) insure that departments and agencies and appropriate operational commanders of the Armed Forces of the United States are furnished such national intelligence as is relevant to their respective duties and responsibilities;

(2) establish dissemination procedures to increase the usefulness for departments and agencies (including departments and agencies not within the intelligence community) of information collected, processed, and analyzed through national intelligence activities; and

(3) insure access of each entity of the intelligence community to national intelligence relevant to that entity's authorized intelligence activities which has been collected or produced by any other entity of the intelligence community.

(h) The Director shall insure the appropriate implementation of special activities and sensitive clandestine collection projects.

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(i) The Director shall --

(1) formulate policies with respect to intelligence arrangements with foreign governments in consultation with the Secretary of State; and

(2) coordinate intelligence relationships between the various entities of the intelligence community and the foreign intelligence or internal security services of foreign governments.

(j) The Director shall promote the development and maintenance of services of common concern by designated foreign intelligence organizations on behalf of the intelligence community.

(k) The Director shall be responsible for the protection from unauthorized disclosure of intelligence sources and methods, and shall establish for departments and agencies minimum security standards for the management and handling of information and materials relating to intelligence sources and methods.

(l) No provision of law shall be construed to require the Director or any other officer or employee of the United States to disclose the organization, function, name, official title, salary, or affiliation with the Office of the Director of National Intelligence of any person employed by the office, or the numbers of persons employed by the office, or the budget of the office.

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(m) The Director may appoint and separate, and contract for such civilian personnel or contract for such personal services as the Director deems advisable to perform the functions of the Office of the Director without regard to the provisions of any other law, including, but not limited to, provisions which place limitations on types of persons to be employed, and fix the compensation of such personnel without regard to chapter 51 and subsection III of chapter 53 of such title, relating to classification and General Schedule pay rates, but at such rates not in excess of the maximum rate for Executive Schedule V under section 5316 of that title.

(n) Notwithstanding any other provision of law, the Director may terminate the employment of any officer or employee of the Office of the Director or, with the concurrence of the head of the department or agency concerned, the security clearance of any contractor of any entity of the intelligence community whenever the Director considers such termination necessary or advisable in the interests of the national security of the United States.

(o) Any officer or employee of the Office of the Director, including those separated under subsection (m) or whose employment has been terminated under subsection (n) may seek or accept employment elsewhere in the Government if declared eligible for such employment by the United States Civil Service



Commission. The Civil Service Commission may place such officer or employee in a position in the competitive civil service in the same manner as an employee who is transferred between two positions in the competitive service.

(p) In order to carry out the Director's duties under this title, the Director is authorized to conduct program and performance audits and evaluations of the national intelligence activities of the entities of the intelligence community and to obtain from any department or agency such information as the Director deems necessary to perform such duties; and each department and agency shall furnish, upon request and in accordance with applicable law, such information to the Director.

(q) In order to carry out the Director's duties under this title, the Director is authorized to review all research and development activities which support the intelligence activities of the Government and may review all the intelligence activities of the Government.

#### DEPARTMENTAL RESPONSIBILITY FOR REPORTING NATIONAL INTELLIGENCE

Sec. 115. It shall be the responsibility of the heads of departments and agencies to insure that all national intelligence obtained by such departments and agencies is promptly furnished to the Director or to the entity of the intelligence community designated by the Director to receive such intelligence.

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ASSISTANT DIRECTORS; COMMITTEES AND BOARDS

Sec. 116. (a) The President is authorized to appoint not more than five Assistant Directors of National Intelligence to assist the Director in carrying out the responsibilities of the Director under this Act. At no time shall more than two of the positions of Assistant Director of National Intelligence be occupied by commissioned officers of the Armed Forces, whether in active or retired status.

(b) The Director, with respect to the Office of the Director, the Attorney General with respect to the Attorney General's duties and responsibilities under this Act, and the head of each entity of the intelligence community with respect to that entity is authorized to establish such committees or boards, composed of officers and employees of the United States, as may be necessary to carry out effectively the provisions of this Act.

(c)(1) The Director, with respect to the Office of the Director, the Attorney General with respect to the Attorney General's duties and responsibilities under this Act, and the head of each entity of the intelligence community with respect to that entity is authorized to establish such advisory committees as may be necessary to provide expert advice regarding the administration of this Act.

(2) The provisions of the Federal Advisory Committee Act (86 Stat. 770; 5 U.S.C. App. I, 1-15) shall apply with

respect to any advisory committee established under authority of this subsection except that the Director, Attorney General, or the head of any entity of the intelligence community, as the case may be, may waive the application of any or all of the provisions of that Act when such official deems such action necessary to the successful performance of the duties of the Director, the Attorney General, or any entity of the intelligence community, as the case may be, or to protect the security of the activities of the intelligence community.

AUTHORITY OF THE PRESIDENT TO TRANSFER CERTAIN  
DUTIES AND AUTHORITIES OF THE DIRECTOR OF  
NATIONAL INTELLIGENCE

Sec. 117. (a) The President is authorized to transfer any or all of the duties and authorities of the Director which pertain to the Director's duties and authorities as head of the Central Intelligence Agency to any person serving as the Deputy Director or to any person serving as an Assistant Director of National Intelligence if such person was appointed to the position of Deputy Director or to the position of Assistant Director of National Intelligence by and with the advice and consent of the Senate and if --

(1) such person is not a commissioned officer of the Armed Forces whether in active or retired status;

(2) the President notifies the Congress in writing of the proposed transfer and specifically describes the duties

and authorities to be transferred and identifies the officer or employee to whom such duties and authorities are to be transferred;

(3) sixty days of continuous session of the Congress have expired following the day on which such notification was received by the Congress; and

(4) neither House of Congress has adopted, within such sixty-day period, a resolution disapproving such transfer of authority.

(b) For the purposes of this section, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such sixty-day period.

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PART C -- BUDGET AUTHORITY: LIMITATION ON APPRO-

PRIATIONS: COMPTROLLER GENERAL AUDITS

NATIONAL INTELLIGENCE PROGRAM AND BUDGET

AUTHORITY; INFORMATION

Sec. 121. The Director shall, to the extent consistent with applicable law, have full and exclusive authority for approval of the national intelligence budget submitted to the President. Pursuant to this authority:

(a) The Director shall provide guidance for program and budget development to program managers and heads of component activities and to department and agency heads;

(b) The heads of departments and agencies involved in the national intelligence budget shall ensure timely development and submission to the Director of proposed national programs and budgets in the format designated by the Director, by the program managers and heads of component activities, and shall also ensure that the Director is provided, in a timely and responsive manner, all information necessary to perform the Director's program and budget responsibilities;

(c) The Director shall review and evaluate the national program and budget submissions and, with the advice of the departments and agencies concerned, develop the national intelligence budget and present it to the President through the Office of Management and Budget:

(d) The Director shall present and justify the national intelligence budget to the Congress;

(e) The Director shall have full and exclusive authority for reprogramming national intelligence budget funds, in accordance with guidelines established by the Office of Management and Budget and after consultation with the head of the department or agency affected. The implementation of the over-all budget by the departments and agencies that include entities of the intelligence community shall have no significant predictable adverse effect on the implementation of the national intelligence budget.

REQUIREMENTS RELATING TO APPROPRIATIONS FOR  
NATIONAL INTELLIGENCE, COUNTERINTELLIGENCE,  
AND COUNTERTERRORISM ACTIVITIES

Sec. 122. (a) No funds may be appropriated for any fiscal year beginning after September 30, 1978, for the purpose of carrying out any national intelligence activity, counterintelligence activity, or counterterrorism activity by any entity of the intelligence community unless funds for such activity have been previously authorized by legislation enacted during the same fiscal year or during one of the two immediately preceding fiscal years, except that this limitation shall not apply to funds appropriated by any continuing resolution. Funds shall be authorized for these purposes in a single specified amount without further limitation.

(b) Whenever the Director determines such action to be necessary in the interest of the national security the

expenditure of funds appropriated to the Office of the Director for national intelligence activities, counterintelligence activities, and counterterrorism activities shall be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount certified therein, but funds expended for such purposes may be expended only for activities authorized by law.

#### AUDITS AND REVIEWS BY THE COMPTROLLER GENERAL

Sec. 123. (a) All funds appropriated to the Office of the Director, all funds appropriated to entities of the intelligence community, and all national intelligence activities, counterintelligence activities, and counterterrorism activities conducted by entities of the intelligence community, and information and materials relating thereto, shall be subject to financial and program management audit and review by the Comptroller General of the United States, upon the request of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate.

(b) Any other committee of the Congress may request financial and program management audits and reviews by the Comptroller General of the United States of any national intelligence activity, counterintelligence activity, or counterterrorism activity over which such committee has

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legislative jurisdiction, but only through and with the approval of the intelligence committees. The results of any such audit or review shall be submitted to

(1) the Permanent Select Committee on Intelligence of the House of Representatives, in the case of any audit or review requested by a committee of the House of Representatives, and shall be made available by such select committee, in accordance with and subject to the provisions of section 143 of this title, to the committee of the House of Representatives which requested such audit or review; and

(2) the Select Committee on Intelligence of the Senate, in the case of any audit or review requested by a committee of the Senate, and shall be made available by such select committee, in accordance with and subject to the provisions of section 143 of this title, to the committee of the Senate which requested such audit or review.

(c) Any audit or review of any national intelligence activity, counterintelligence activity, or counterterrorism activity authorized in subsection (a) or (b) above shall be conducted in accordance with such security standards as may be prescribed by the Director.

(d) Notwithstanding the foregoing provisions of this subsection, the Director may exempt from any such audit and review any funds expended for a particular national intelligence, counterintelligence, or counterterrorism activity,



and the activity for which such funds are expended if the Director (1) determines such exemption to be essential to protect the security of the United States, and (2) notifies the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of such exemption.

PART D -- PROCEDURES, RESTRICTIONS AND PROHIBITIONS  
RELATING TO INTELLIGENCE COLLECTION ACTIVITIES  
AND SPECIAL ACTIVITIES

PROCEDURES AND REQUIREMENTS FOR SENSITIVE INTELLIGENCE  
COLLECTION PROJECTS AND SPECIAL ACTIVITIES

Sec. 131. The National Security Council shall review and advise and assist the President concerning each proposed special activity, clandestine collection activities specified by the President, counterintelligence and counterterrorism activities, and communication security activities, of the United States.

PART E -- REPORTS ON VIOLATIONS; OVERSIGHT AND  
ACCOUNTABILITY; CONGRESSIONAL COMMITTEE  
REPORTS; DISCLOSURE PROVISIONS; ANNUAL  
REPORT OF THE DIRECTOR

INTELLIGENCE OVERSIGHT BOARD; REPORTING ON  
VIOLATIONS

SEC. 141 (a) The President shall appoint a board to be known as the Intelligence Oversight Board (hereinafter referred to as the "Board") whose members shall be selected from outside the Government.

(b) The Board is authorized to employ staff to assist in carrying out its functions.

(c) As prescribed by the President, the Board shall --

(1) function to provide the President independent oversight of the intelligence community, in order to report to the President on questions of legality and propriety;

(2) be given access to all information relevant to its functions which is in the possession, custody or control of any entity in the intelligence community; and

(3) conduct such inquiries into the activities of any entity of the intelligence community as the Board deems necessary to perform its functions.

(d) The inspector general and general counsel of each entity of the intelligence community shall report to the Board intelligence matters as specified by the President.

(e) The Attorney General shall --

(1) report, in a timely manner, to the Oversight Board any intelligence activity that involves a serious question as to whether there has been a violation of law and which had not been previously reported to the Attorney General by the Oversight Board;

(2) report to the President in a timely fashion any intelligence activities that involve serious questions of law;

(3) report to the President, the Oversight Board, and the heads of the appropriate entities of the intelligence

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community, in a timely fashion decisions made or actions taken in response to reports from such entities concerning intelligence activities;

(4) keep the Oversight Board and general counsels of entities of the intelligence community informed regarding legal opinions of the Department of Justice affecting the operations of the intelligence community.

(f) The head of each entity of the intelligence community shall --

(1) insure that the inspector general and the general counsel of that entity have access to any information necessary to perform their functions under this Act;

(2) provide to the Attorney General, in accordance with applicable law, any information required by the Attorney General to fulfill the Attorney General's responsibilities under this Act; and

(3) ensure full cooperation by employees with the Intelligence Oversight Board and the Attorney General in the conduct of their authorized functions, and in the reporting of any possible violation of law to the head of the entity and the inspector general and general counsel of such entity or the Intelligence Oversight Board. No employee who so reports in good faith shall be subject to adverse personnel action solely on account of such reporting.

(g) The head of each entity of the intelligence community

shall with respect to that entity --

(A) report to the Attorney General, pursuant to section 535 of title 28, United States Code, immediately upon discovery, evidence of possible violation, of Federal criminal law by any person employed by, assigned to, or acting for, such entity; and

(B) report to the Attorney General evidence of possible violations by any other person of those Federal criminal laws specified in guidelines adopted by the Attorney General.

#### OVERSIGHT AND ACCOUNTABILITY

Sec. 142. (a) [Substitute provision to be developed in consultation with the committee.]

(b) The head of each entity of the intelligence community shall maintain a complete record of all legal authorities and published regulations pertaining to the intelligence activities of that entity.

(c) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate shall be furnished copies of all record schedules, which the entities of the intelligence community are required by law to furnish to the Archivist of the United States, including any modifications, amendments or supplements, at such time as these schedules, modifications, amendments, or supplements are submitted to the Archivist for approval.

CONGRESSIONAL COMMITTEE REPORTS; DISCLOSURE  
PROVISIONS

Sec. 143. (a) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate (hereinafter in this section referred to as the "permanent select committee" and the "select committee," respectively) shall report, at least annually, to their respective Houses on the nature and extent of the intelligence activities of the United States. Each committee shall promptly call to the attention of its respective House, or to any appropriate committee or committees of its respective House, any matter relating to intelligence activities which requires or should have the attention of such House or such committee or committees. In making such reports, the permanent select committee and the select committee shall do so in a manner consistent with the protection of the national security interests of the United States.

(b) No information or material provided to the permanent select committee or the select committee relating to the intelligence activities of any department or agency that has been classified under established security procedures or that, was submitted by the executive branch with the request that such information or material be kept confidential shall be made public by the permanent select committee or the select committee or any member, officer or employee thereof, except

in accordance with the provisions of House Resolution 658 of the Ninety-fifth Congress in the case of the permanent select committee and its members, or in accordance with the provisions of Senate Resolution 400 of the Ninetyfourth Congress in the case of the select committee and its members.

(c)(1) The permanent select committee may under such regulations as that committee shall prescribe, to protect the confidentiality of such information, make any information described in subsection (a) or (b) available to any other committee or any other Member of the House. Whenever the permanent select committee makes such information available, that committee shall keep a written record showing which committee or which Members of the House received such information. No Member of the House who, and no committee which, receives such information under this paragraph shall disclose such information except in accordance with the provisions of House Resolution 658 of the Ninety-fifth Congress.

(2) The select committee may, under such regulation as that committee shall prescribe to protect the confidentiality of such information, make any information described in subsection (a) or (b) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing which committee or which Members of the Senate received such information. No Member of the Senate

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who, and no committee which, receives any information under this paragraph, shall disclose such information except in accordance with the provisions of Senate Resolution 400 of the Ninety-fourth Congress.

(d) No employee of the permanent select committee or the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the House or the Senate, as the case may be, and of such committees as to the security of such information during and after the period of his employment or contractual agreement with such committees; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of National Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committees in consultation with the Director of National Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committees.

(e) The provisions of subsections (a), (b), (c) and (d) are enacted by the Congress --

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and

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as such they shall be considered as part of the rules of each House, respectively, and shall supersede other rules to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (as far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

#### ANNUAL REPORT OF THE DIRECTOR

Sec. 144. The Director shall make available to the public an unclassified annual report on the national intelligence, counterintelligence, and counterterrorism activities conducted by entities of the intelligence community. Nothing in this subsection shall be construed as requiring the public disclosure, in any such report made available to the public, of the names of individuals engaged in such activities for the United States, sources and methods, or the divulging of classified information which requires protection from disclosure of law.